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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 DAVID WESLEY BIRRELL, aka Bella-
12 Christina Birrell,

13 Plaintiff,

14 v.

15 MICHELLE DiTOMAS,

16 Defendant.
17

No. 2:22-CV-1834-KJM-DMC-P

ORDER

18 Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to
19 42 U.S.C. § 1983. On November 15, 2022, the Court directed Plaintiff to resolve the fee status
20 for this case within 30 days. See ECF No. 5. As of December 27, 2022, Plaintiff had not
21 complied, and the Court issued findings and recommendations that this action be dismissed for
22 failure to comply with court orders. See ECF No. 6. On January 9, 2023, Plaintiff filed
23 objections to the December 27, 2022, findings and recommendations. See ECF No. 7.
24 Concurrent with objections, Plaintiff filed a motion for leave to proceed in forma pauperis. See
25 ECF No. 8. Good cause appearing therefor based on Plaintiff's filing of a motion for leave to
26 proceed in forma pauperis, the December 27, 2022, findings and recommendations will be
27 vacated. Plaintiff's in forma pauperis application is addressed below.

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1 Pending before the Court is Plaintiff's motion to proceed in forma pauperis. See
2 ECF No. 8. Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C.
3 § 1915(a). Plaintiff's request to proceed in forma pauperis will, therefore, be granted.

4 The sufficiency of Plaintiff's complaint and service thereof will be addressed
5 separately.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The December 27, 2022, findings and recommendations are vacated; and
8 2. Plaintiff's application for leave to proceed in forma pauperis, ECF No. 8, is
9 granted.

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11 Dated: January 23, 2023



12 DENNIS M. COTA
13 UNITED STATES MAGISTRATE JUDGE
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